

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date: APPL. S. N:
 To Examiner: Art Unit:
 From: Return This Memo To: Case
 PARALEGAL SPCCEALIST Drop-Off Location

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,


please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____

Application Number 	Application/Control No. 10/530,220	Applicant(s)/Patent under Reexamination ENOKIDO ET AL.	
Document Code - DISQ	Internal Document – DO NOT MAIL		

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : September 10, 2007	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yasushi ENOKIDO et al.

Serial No: 10/530,220

Filed: October 24, 2005

For: TWO-DIMENSIONAL
PHOTONIC CRYSTAL

Art Unit: 1722

Examiner: Rao, G. Nagesh

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION (37 C.F.R.
§ 1.321(c))**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

IDENTIFICATION OF PERSON MAKING THIS DISCLAIMER

I, Dariush G. Adli represent that I am

- ☐ an applicant
☐ an assignee
☒ a representative authorized to sign on behalf of the assignee identified below owning all of the interest in this application.

The assignee is:

Name of assignee	TDK CORPORATION
Address of assignee	1-13-1, Nihonbashi, Chuo-ku Tokyo 103-8272, JAPAN
Title of disclaimant authorized to sign on behalf of assignee	Attorney of Record

RECORDAL OF ASSIGNMENT IN PATENT OFFICE

- ☒ The assignment was recorded on October 24, 2005 at
Reel No. 017120
Frame No(s). 0674
- ☐ authorization for recordal of the assignment is separately attached

EXTENT OF INTEREST

The extent of my (our) interest is in

- ☒ the whole of this invention
- ☐ a sectional interest in this invention as follows:

DISCLAIMER

TDK CORPORATION hereby disclaims the terminal part of a patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- ☒ Claims 1-14 of United States Patent No. 7,136,561 as presently shortened by any terminal disclaimer
- ☐ any patent granted on application serial No. _____,

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☒ Claims 1-14 of United States Patent No. 7,136,561
- ☐ any patent granted on application serial No. _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

TDK CORPORATION does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☒ Claims 1-14 of United States Patent No. 7,136,561 as presently shortened by any terminal disclaimer
- ☐ any patent granted on application serial No. _____,

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as

presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

FEE STATUS
(37 C.F.R. § 1.20(d))

- ☒ Other than small entity
- ☐ Small entity
 - ☐ verified statement attached
 - ☐ verified statement filed ____

FEE PAYMENT

- ☐ Attached is a check in the sum of \$____.
- ☐ If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-1314. A copy of this petition is enclosed.
- ☒ Charge Account No. 50-1314 the sum of \$ 130.00 . A duplicate of this disclaimer is attached.

Undersigned further declares that the evidentiary documents establishing ownership by the assignee have been reviewed and certifies that to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 10, 2007



Dariush G. Adli
Reg. No. 51,386

Attorney for Applicant and Assignee

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